

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



Vincent E. Griego Chambers Albuquerque-Bernalillo County Government Center One Civic Plaza NW, Albuquerque, NM 87102

DRAFT MINUTES – June 30, 2015 Meeting/Hearing

AQCB MEMBERS PRESENT

Kelsey Curran, CIH (CITY), Chair Jens Deichmann, Ph.D. (COUNTY) Robert Goldstein, M.D. (COUNTY) Dona Upson, M.D. (CITY) Lenton Malry, Ph.D. (BCPC LIAISON)

AQCB MEMBERS ABSENT

Jane Cudney-Black (CITY), Vice Chair Augustine Grace III, P.E. (CITY) Deborah L. Stover (COUNTY) James Peck, BOMA Fellow, RPA, FMA (EPC LIAISON)

EHD STAFF PRESENT

Andrew Daffern, AQCB Liaison
Regan Eyerman, EH Scientist
Ed Merta, Air Quality Regulation
Development Coordinator
Mary Lou Leonard, Director, EHD
Sue Malzahn, Business Technology
Specialist III
Danny Nevarez, Deputy Director, EHD
Margaret Nieto, EH Manager and AQCB
Secretary
Felicia Orth, Air Board Attorney and
Hearing Officer
Carol Parker, Assistant City Attorney
Damon Reyes, EH Manager
Isreal Tavarez, EH Manager

VISITORS PRESENT

Esther Abeyta, SouthWest Organizing Project

Steven Abeyta

Javier Benavidez, SouthWest Organizing Project, Executive Director Lucille Cordova, Tax Payers Against Poison Matt Cross-Guillen, Bernalillo County Place Matters

Jacque Garcia, Bernalillo County Place Matters

Nora Garcia, San Jose

Charles Griego

Gabriel E. Griego

Lucy Griego

Vern Hershberger

Rod Honstein, Honstein Oil and Distributing Eric Jantz, New Mexico Environmental Law Center, SouthWest Organizing Project, and San Jose

George Lujan, SouthWest Organizing Project and San Jose

Juan Reynosa, SouthWest Organizing Project

Mark Rudd, Mountain View

Lauro Silva, Mountain View Neighborhood Association, President

Raj Solomon, TRC Environmental Corporation

Pat Toledo, North Valley

Patrick West, San Jose Neighborhood and SouthWest Organizing Project

Ed Williams, KUNM

DRAFT MEETING MINUTES

CALL TO ORDER

The meeting was called to order by Chair Kelsey Curran at 5:35 p.m. on June 30, 2015 with four voting Board members present: Dona Upson, Jens Deichmann, Kelsey Curran, and Robert Goldstein; and one non-voting member present: Lenton Malry. Not present were voting members Jane Cudney-Black, Augustine Grace III, and Deborah L. Stover; and non-voting member James Peck.

Item #1 Approval of Agenda (Chair)

A motion to approve the agenda was made by Member Deichmann and seconded by Member Goldstein. The motion was approved unanimously by a vote of 4-0.

Item #2 Approval of April 30, 2015 Meeting Minutes (Chair)

A motion to approve the April 30, 2015 meeting minutes was made by Member Deichmann and seconded by Member Upson. The motion was approved unanimously by a vote of 4-0.

PUBLIC COMMENT

Public comment was offered by Matt Cross-Guillen and Pat Toledo.

HEARING

Item #3

In the matter of the Petition for a Hearing on the Merits regarding Air Quality Permit No. 3131 Issued to Honstein Oil & Distributing, LLC.; Southwest Organizing Project, by Juan Reynosa, Environmental Justice Organizer; and Esther and Steven Abeyta as Individuals and Representative Members of SWOP, Petitioners (AQCB Petition No. 2014-4) City of Albuquerque's Motion and Brief to Resolve the Merits of the Petition Using Summary Procedures or, in the Alternative, by Summary Judgment.

Hearing Officer Felicia Orth opened the Dispositive Motion Hearing at 5:44 p.m.

Carol Parker, Attorney for the Environmental Health Department Air Quality Program, and Eric Jantz, Attorney for Petitioners SouthWest Organizing Project [SWOP] By Juan Reynosa, Environmental Justice Organizer; Esther and Steven Abeyta, Members of SWOP, presented arguments in support of and against the City of Albuquerque's Motion and Brief to Resolve the Merits of the Petition Using Summary Procedures or, in the Alternative, by Summary Judgment. Mr. Honstein and his representative declined their opportunity to speak.

Hearing Officer Orth invited those in attendance that wished to make public comment relating to Agenda Item #3 to come to the podium and do so. Hearing Officer Orth swore in each person before they offered public comment. Public comment was offered by Steven Abeyta, Juan Reynosa, Nora Garcia, Lauro Silva, Lucille Cordova, Javier Benevidez, Patrick West, Esther Abeyta, and Jacque Garcia.

Hearing Officer Orth closed the Dispositive Motion Hearing Record at 8:06 p.m.

ACTION ITEMS

Item #4

Decision on City of Albuquerque's Motion and Brief to Resolve the Merits of the Petition Using Summary Procedures or, in the Alternative, by Summary Judgment.

After extensive discussion, a motion to deny the City of Albuquerque's Motion and Brief to Resolve the Merits of the Petition Using Summary Procedures or, in the Alternative, by Summary Judgment was made by Member Deichmann, seconded by Member Upson. The motion passed by a vote of 3-1 (For: Upson, Deichmann, Goldstein; Against: Curran).

OTHER BUSINESS

Carol Parker, counsel for EHD/AQP, requested additional time to supplement its Notice of Intent to Present Technical Testimony (NOI) with expert testimony that could address all areas of concern raised in the NOI filed by Petitioners on April 8, 2015.

Hearing Officer Orth and Board members discussed Carol Parker's request to defer the Hearing on the Merits in Honstein and amend the hearing schedule to add time for both parties to supplement their NOIs. Hearing Officer Orth directed the Hearing Clerk to set up a teleconference in which the parties could discuss vacating the current setting and rescheduling the Hearing on the Merits for a later date.

ADJOURNMENT

Chair Kelsey Curran adjourned the meeting at 8:32 p.m.

NEXT SCHEDULED BOARD MEETING AND HEARING: July 8, 2015, 5:30 p.m., Vincent E. Griego Chambers

SUBMITTED:

READ AND APPROVED:

Ms. Margaret Nieto date
Board Secretary/Env. Health Manager, Control Strategies Section,
Air Quality Program, Environmental Health Department.

Kelsey Curran, CIH date Chair Albuquerque – Bernalillo County Air Quality Control Board